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June 19, 1996

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JUN 19 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Mr. Caton

Submitted on behalf of Terry L. Dunning are an original and four copies of a Petition for Rule Making requesting that the Table of Allotments for FM Broadcast Stations, Section 73.202(b) of the Commission's Rules, be amended to add FM Channel 299A at Weaverville, California.

Very truly yours



Richard A. Helmick

Enclosure

cc w/encl.: John A. Karousos, FCC, Room 8322



BEFORE THE
Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202(b),) RM-
FM Broadcast Stations Table of Allotments,)
(Weaverville, California))

RECEIVED

JUN 19 1996

To: Chief, Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PETITION FOR RULE MAKING

Terry L. Dunning ("Petitioner"), through his attorneys and pursuant to Sections 1.419 and 1.420 of the Commission's Rules, hereby requests that the Table of Allotments for FM Broadcast Stations, Section 73.202(b) of the Commission's Rules, be amended as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Weaverville, California	---	299A

In support thereof, the following is set forth.

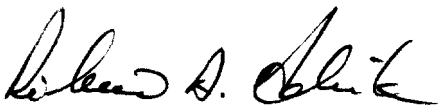
1. Weaverville, California (1990 population, 3,370) is the county seat of Trinity County, California. The area around Weaverville consists largely of national recreational areas and national forests; the timber industry and related services dominate the local economy. The Trinity Journal, a weekly newspaper, is published in Weaverville; there are no broadcast stations licensed to Weaverville. Accordingly, based on the foregoing, Petitioner submits that Weaverville is an established community and is entitled to a first local broadcast service.

014
MMB

2. Set forth as an attachment is the engineering statement of Timothy C. Cutforth, P.E. which establishes that the proposed allocation of FM Channel 299A to Weaverville, California is fully consistent with the Commission's minimum channel spacing requirements and will comply with the principal city coverage requirements. Accordingly, Petitioner submits that its proposal would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition for rule making.

Respectfully submitted

TERRY L. DUNNING

By: 
Richard A. Helmick

COHN AND MARKS
1333 New Hampshire Ave.
Suite 600
Washington, D.C. 20036
(202) 452-4830

His Attorneys

June 19, 1996

ENGINEERING STATEMENT

PETITION FOR FM RULEMAKING
TO ALLOCATE CHANNEL 299A
TO WEAVERVILLE, CALIFORNIA

TERRY DUNNING
107.7 MHz CH.299A
WEAVERVILLE, CALIFORNIA

JANUARY 1996

 **VIR JAMES P. C.**

TIMOTHY C. CUTFORTH P.E., DIRECTOR OF ENGINEERING
BROADCAST ENGINEERING CONSULTANTS

JANUARY 1996

PETITION FOR RULEMAKING
TERRY DUNNING
107.7 MHz CH.299A
WEAVERVILLE, CALIFORNIA

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<u>Exhibit</u>	<u>Title</u>
E-1B	Engineering Statement
E-1B-1	Affidavit
E-6A	Reference Site

* * * * *

JANUARY 1996

EXHIBIT E-1B
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PETITION FOR RULEMAKING
TERRY DUNNING
107.7 MHz CH.299A
WEAVERVILLE, CALIFORNIA

ENGINEERING STATEMENT

Concerning a Petition for Rulemaking to allocate FM Channel 299A to Weaverville, California.

Mr. Terry Dunning herein requests that the FCC allocate Channel 299 A to Weaverville in order to provide a first local service to Weaverville and its market area.

Vir James Engineers, Broadcast Engineering Consultants, has been retained by the petitioner to determine and show that the above described allocation may be made within the requirements of the FCC Rules and Regulations. There are no existing unused allocations or pending rulemakings for a similar Class A assignment to Weaverville as of the date of this statement.

This would be the first local commercial FM service to Weaverville, a city of 3,370 population according to the 1990 census. Weaverville is the county seat of Trinity County.

ALLOCATION STUDY

Availability of Channel 299A to Weaverville was determined by computer aided study of all existing stations, pending applications, and pending rulemakings within 330 km of the reference site at the center of Weaverville.

Reference Site

NL: 40 deg 44 min 00 sec
WL: 122 deg 56 min 24 sec

All distances from this site to stations were computed using the tables of FCC rules Section 73.698. All distances are in the metric system.

JANUARY 1996

EXHIBIT E-1B

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PETITION FOR RULEMAKING
TERRY DUNNING
107.7 MHz CH.299A
WEAVERVILLE, CALIFORNIA

The separations for the proposed channel assignment are as follows:

Weaverville, CA Channel 299A - Table of Nearest Facilities

CH.	FREQ	COMMUNITY	CALL	SEPARATION	
				ACTUAL	MINIMUM
296C2	107.1	Rio Dell CA	KMGX	117 km	55 km
296C3	107.1	Shasta Lake CA	ADD	48	42
297C	107.3	Alturas CA	ADD	219	95
298B	107.5	Colusa CA	KPPL	169	113
299C3	107.7	Kings Beach CA	KBCH	304	142
300B	107.9	Sacramento CA	KXOA	257	113
300A	107.9	Mount Shasta CA	KEDY	84	72

There are no stations operating 10.6 or 10.8 MHz removed from 107.7 MHz within 50 km of the proposed so no Intermediate Frequency interference can result from the assignment.

The proposed Channel 299A assignment to Weaverville meets the separation criteria for assignment as set forth in section 73.207 as amended to date

From this study it has been determined that the Table of FM Allotments, Section 73.202 of the FCC Rules may be amended as follows:

Community	Present	Proposed
Weaverville, CA	none	299A

Such an amendment of the Table of Allotments would be in full compliance with the FCC Rules and Regulations as amended to date.



Respectfully submitted

Timothy C Cutforth

Timothy C. Cutforth P.E.
5 January 1996

STATE OF COLORADO

Exhibit E-1B-1

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (No. 50046) by the Society of Broadcast Engineers, Inc

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief; and on such statements made on belief, they are believed to be true.

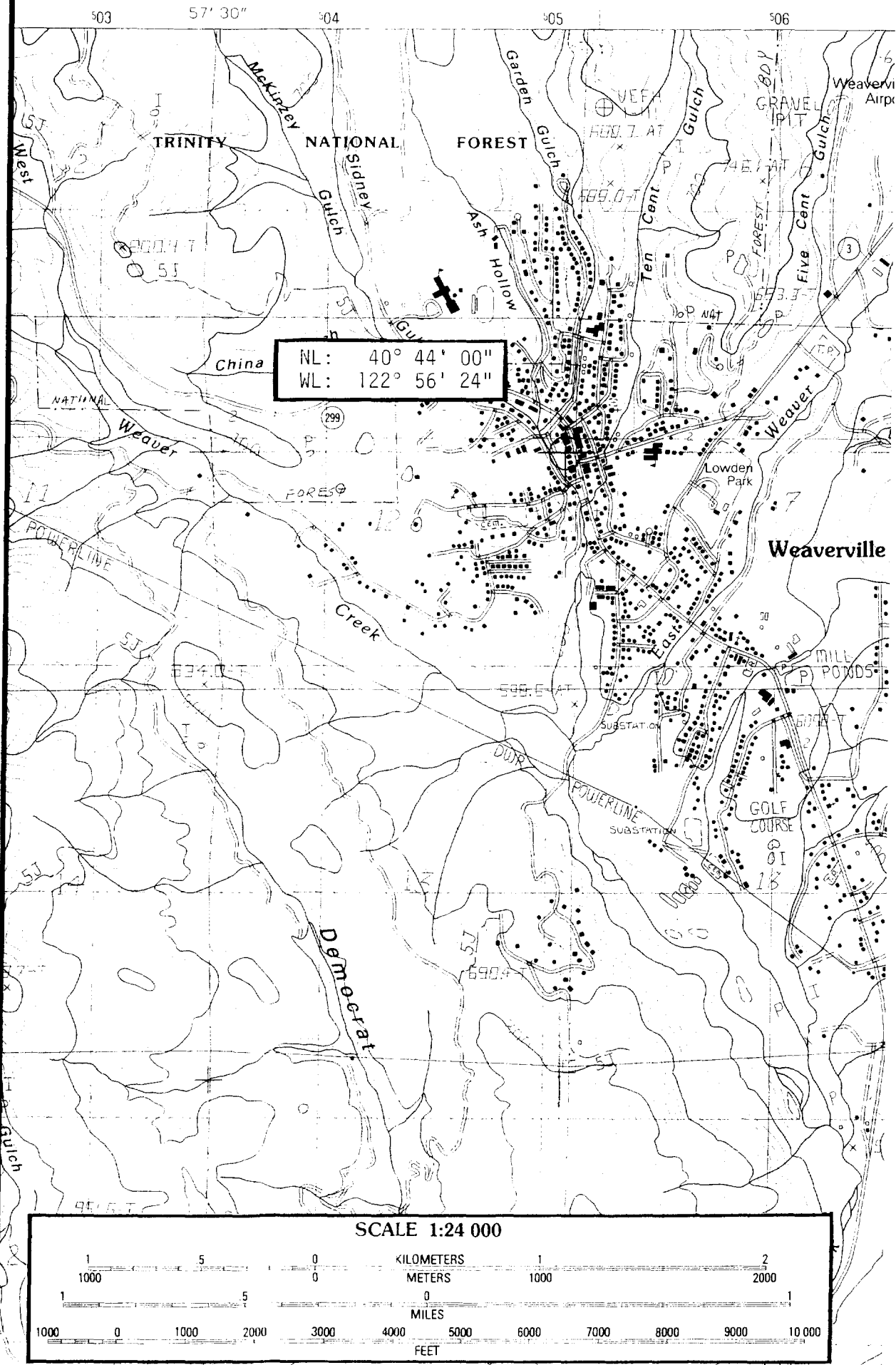
Affiant Timothy C Cutforth

Subscribed and sworn to before me

This 5th day of January 1996

Notary Public Virginia K. Cutforth

My Commission expires December 21, 1996



WEAVERVILLE QUADRANGLE
CALIFORNIA—TRINITY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

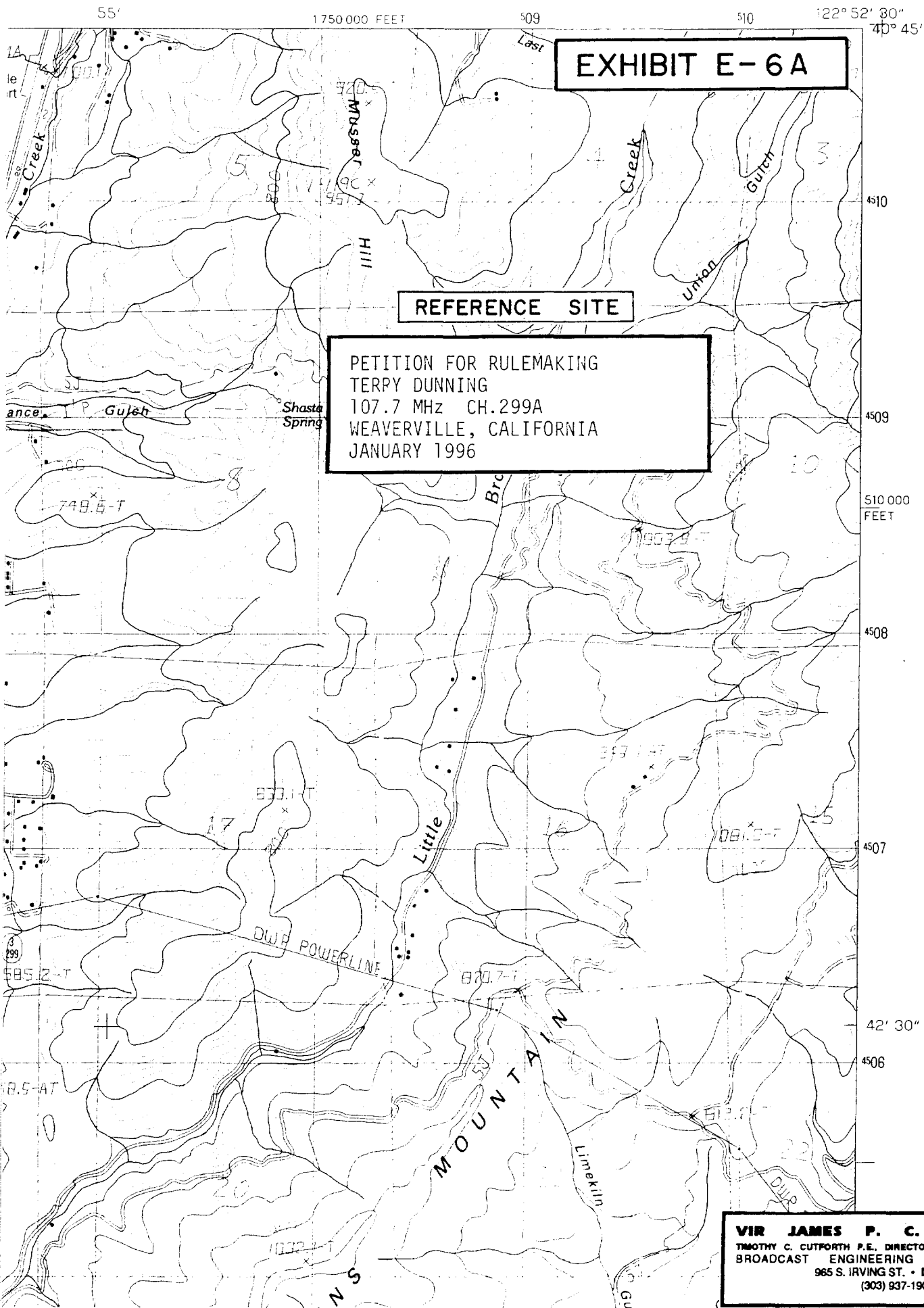


EXHIBIT E-6A

REFERENCE SITE

PETITION FOR RULEMAKING
TERPY DUNNING
107.7 MHz CH.299A
WEAVERVILLE, CALIFORNIA
JANUARY 1996

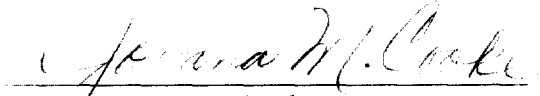
VIR JAMES P. C.

TIMOTHY C. CUTPORTH P.E. DIRECTOR OF ENGINEERING
BROADCAST ENGINEERING CONSULTANTS
965 S. IRVING ST. • DENVER, CO 80219
(303) 937-1900 • (800) 779-0198

CERTIFICATE OF SERVICE

I, Jovana M. Cooke, a secretary in the law firm of Cohn and Marks, hereby certify that I have, this 19th day of June, 1996, sent, by hand delivery, the foregoing **PETITION FOR RULE MAKING** to the following:

John A. Karousos
Chief, Allocations Branch
Audio Services Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8322
Washington, D.C. 20554



Jovana M. Cooke